(17)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

M.A.(C) No. 710 of 2007

APPELLANTS:
Applicants

1. Smt. Saraswati Yadav W/o Late Shri Manharan Yadav aged about 34 years.
2. Govindram Yadav S/o Late Shri Manharan Yadav, aged about 19 years.
3. Narendra Kumar Yadav S/o Late Shri Manhar Yadav, aged about 18 years.
4. Mantaram Yadav S/o Late Shri Manharan Yadav, aged about 15 years.
5. Santram Yadav S/o Late Shri Manharan Yadav, aged about 13 years.
6. Hiralal Yadav S/o Late Shri Manharan Yadav, aged about 10 years.
7. Smt. Ramkunwar Yadav, W/o Late Shri Ramsingh, aged about 62 years.

[Appellants No. 3 to 6 Minor, Through : Mother, Natural Guardian]
[All r/o village - Siloda, (Khapari) Tahsil & Distt. Durg, C.G.]

VERSUS

RESPONDENTS :
Non-applicants.

1. Jairam S/o Premlal Kunwar, R/o Gandhi Nagar, Bhilai-3 Distt. Durg (C.G.)
[Driver of vehicle - Tanker No. C.G. 07/ZC/1190
2. Sujit Gupta, R/o Near Teen Darshan Mandir, Camp-2, Tasil & Distt. Durg, C.G.
3. New India Insurance Co. Ltd. Branch Office-Power House Bhilai, Tah. & Distt. Durg. C.G. Insurer of offending vehicle.

Appeal under Section 173 of the Motor Vehicle Act, 1988.

Present : Shri B.R. Ghosh and Smt. Meera Jaiswal, counsel for the appellants.

(18)

ORAL ORDER
(Passed on 02nd July, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

Heard.

The only ground urged by learned counsel for the appellants in this appeal for enhancement of compensation in case of accidental death of Manharan Yadav, aged 40 years is that learned Tribunal erred in assessing loss of dependency at Rs.3,000/- per month and the learned Tribunal ought to have taken into consideration that the deceased was not only engaged in agricultural work, but also running a dairy business. No other point was urged.

We have heard learned counsel for the appellants and also perused the impugned award. Learned Tribunal has taken into consideration that the income of the deceased from dairy business and also from agricultural work had continued unabated and at the most the claimants were required to engage a person as labourer in place of the deceased. On this basis, the Tribunal assessed loss of dependency at Rs.3,000/- per month. We do not find any error in the approach of the learned Tribunal. Learned Tribunal has awarded compensation as follows :-

(i)	Loss of dependency	Rs.3,84,000/-
(ii)	Loss of consortium	Rs.5,000/-
(iii)	Love and affection to the wife and children	Rs.25,000/-
(iv)	Loss of affection to the mother	Rs.5,000/-
(v)	Loss of estate	Rs.2,500/-
(vi)	Funeral expenses	Rs.2,000/-
	Total	Rs.4,23,500/-

The learned Tribunal has awarded a sum of Rs.4,23,500/- and the above compensation is, in our considered opinion, in the facts and

circumstances of the case, just and reasonable compensation and calls for no interference in this appeal. The appeal being devoid of merit is dismissed at the stage of admission itself.

Sd/-
Acting Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subbu